

Rec' PTO 13 SEP 2004



10/507482

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 01 JUN 2004	
WIPO	PCT

Applicant's or agent's file reference 21231 WO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)																										
International application No. PCT/NL 03/00185	International filing date (day/month/year) 11.03.2003	Priority date (day/month/year) 11.03.2002																										
International Patent Classification (IPC) or both national classification and IPC C09D4/00, C09D4/00																												
Applicant DSM IP Assets B.V.																												
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>																												
<p>3. This report contains indications relating to the following items:</p> <table border="0"> <tr> <td>I</td> <td><input checked="" type="checkbox"/></td> <td>Basis of the opinion</td> <td rowspan="8"> <p>EPO - DG 1</p> <p>02. 07. 2004</p> <p>(36)</p> </td> </tr> <tr> <td>II</td> <td><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td>III</td> <td><input type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td><input type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td>V</td> <td><input checked="" type="checkbox"/></td> <td>Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td><input type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td>VII</td> <td><input type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td><input type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table>				I	<input checked="" type="checkbox"/>	Basis of the opinion	<p>EPO - DG 1</p> <p>02. 07. 2004</p> <p>(36)</p>	II	<input type="checkbox"/>	Priority	III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input type="checkbox"/>	Lack of unity of invention	V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/>	Certain documents cited	VII	<input type="checkbox"/>	Certain defects in the international application	VIII	<input type="checkbox"/>	Certain observations on the international application
I	<input checked="" type="checkbox"/>	Basis of the opinion	<p>EPO - DG 1</p> <p>02. 07. 2004</p> <p>(36)</p>																									
II	<input type="checkbox"/>	Priority																										
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																										
IV	<input type="checkbox"/>	Lack of unity of invention																										
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																										
VI	<input type="checkbox"/>	Certain documents cited																										
VII	<input type="checkbox"/>	Certain defects in the international application																										
VIII	<input type="checkbox"/>	Certain observations on the international application																										
Date of submission of the demand 11.09.2003		Date of completion of this report 28.05.2004																										
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Andriollo, G Telephone No. +49 89 2399-8301 																										

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NL 03/00185**

I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-19 as originally filed

Claims, Numbers

1-12 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NL 03/00185**

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	5,6,8,9
	No: Claims	1-4, 7, 10-12
Inventive step (IS)	Yes: Claims	5,6,8,9
	No: Claims	1-4, 7, 10-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL 03/00185

V

1. The following documents were cited in the international search report. The numbering will be adhered to in the rest of the procedure :

D1: WO-A-99 63017
D2: DE-A-33 39 754
D3: GB-A-2 274 120
D4: US-A-4 694 029
D5 : WO-A-9839390.

2. The present application does not satisfy the criterion set forth in Article 33(2) PCT because the subject-matter of claims 1-4, 7 and 10-12 lacks novelty in respect of prior art D1-D5.
 - 2.1 D1 relates to an adhesive used for optical elements. It describes (see claims 1-4) a composition comprising an epoxy resin (such as the diglycidyl ether of bisphenol A), acrylate oligomers and reactive diluents such as triacrylates (see p. 21, l. 18-21), which present thus at least 3 functional groups. Cycloaliphatic epoxides are included as well (see p. 19, l. 27).

The initiator system can be hybrid, i. e. it can comprise a combination of a free radical initiator and a cationic initiator (see p. 8).

On the other hand, present claims 10 and 11 characterize the compositions by specific parameters. It appears however that these values are inherent to the compositions defined by their constituents and, therefore, the compositions of D1 must exhibit identical parameter values, even if they are not expressis verbis mentioned in D1.

Consequently, the subject-matter of present claims 1-4 and 10-12 lacks novelty over D1.
 - 2.2 D2 is directed to adhesive compositions for optical elements. It relates to compositions comprising acrylated epoxy resins and multifunctional acrylic monomers or oligomers. Furthermore, a system of free radical / cationic photoinitiators is used as well (see p. 5, fourth paragraph to p. 8, second paragraph).

Consequently, the subject-matter of present claims 1, 4, 7 and 10-12 lacks novelty over D2.

- 2.3 D3 describes a system of acrylated epoxy resin and free radical/cationic photoinitiators. The acrylated epoxy resin is based on DGEBA (diglycidyl ether of bisphenol A, see p. 7, second paragraph and the examples).
Consequently, the subject-matter of present claims 1, 4, 7, 10 and 11 lacks novelty over D3.
- 2.4 D4 describes photopolymerizable compositions comprising an epoxy resin based on the diglycidyl ether of bisphenol A, a cycloaliphatic epoxy resin, a triacrylate and a hybrid initiator system containing free radical and cationic photoinitiator (see example 3, compositions N° 5 and 6).
Consequently, the subject-matter of present claims 1-4, 10 and 11 lacks novelty over D4.
- 2.5 D5 relates to a compositions for coating transparent substrates. They comprise diglycidyl ethers such as DGEBA, tri- or tetraacrylates and a hybrid initiator system free radical / cationic (see p. 5, l. 11, p. 6, l. 11 and claim 1).
Consequently, the subject-matter of present claims 1, 4 and 10-12 lacks novelty over D5.